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U.S. Department of Justice

United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

September 26, 2007

*Via Facsimile*

Honorable George B. Daniels  
United States District Judge  
Southern District of New York  
500 Pearl Street, Room 630  
New York, New York 10007

Re: United States v. Brian Brock, 07 Cr. 585 (GBD)

MEMO ENDORSE

Dear Judge Daniels:

The Government writes to respectfully request an adjournment of tomorrow's pre-trial conference.

On June 27, 2007, the defendant was indicted for one count of escaping from the Bronx Residential Reentry Center, in violation of Title 18, United States Code, Sections 751 and 4082(a). On August 30, 2007, the defendant was arrested. That same day, he was arraigned before Magistrate Judge Freeman and ordered detained.

The defendant was initially housed at the Brooklyn MDC. Based on my discussions with U.S. Marshals familiar with this case, Brooklyn MDC was unaware of the fact that the defendant was currently facing prosecution in the Southern District of New York. Instead, Brooklyn MDC, aware of the defendant's escape status, began the process of returning the defendant to FCI Fort Dix, the facility to which the defendant was designated for his underlying conviction for conspiracy to distribute heroin. Brooklyn MDC began this transfer without notifying this Office or the U.S. Marshals. Indeed, defense counsel first brought this issue to the Government's attention.

The defendant is currently housed at the Philadelphia FDC, in route to FCI Fort Dix. Due to the defendant's unavailability, the parties jointly request that the first pre-trial conference in this matter, currently scheduled for September 27, 2007 at 9:45 a.m., be adjourned until Wednesday, October 3, 2007 at 9:45 a.m.

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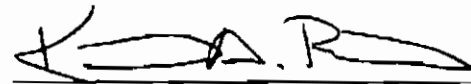
Honorable George B. Daniels  
September 26, 2007  
Page 2

The Government also requests that the Court exclude time in the above-referenced action until October 17, 2007, the date of the rescheduled conference. Such an exclusion is warranted to allow for the defendant's return to this District.

Respectfully submitted,

MICHAEL J. GARCIA  
United States Attorney

By:



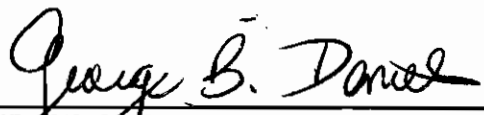
Kenneth Allen Polite, Jr.  
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(212) 637-2412

cc: Kelly J. Sharkey, Esq. (via facsimile)

Honorable George B. Daniels  
September 26, 2007  
Page 3

The Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and the defendant in a speedy trial, because it will allow for the defendant's transfer and return to the Southern District of New York. Accordingly, it is ORDERED that the time between the date of this Order and October 18, 2007 is hereby excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(1)(G) & (H), in the interests of justice.

Dated: New York, New York  
September 26, 2007

  
\_\_\_\_\_  
JUDGE GEORGE B. DANIELS  
UNITED STATES DISTRICT JUDGE